

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:14-cv-00158-MR-DLH**

DONNELL EDWIN MURRAY, JR.,

Plaintiff,

vs.

MICHAEL TAYLOR FUSSELL, JR.,

Defendant.

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ORDER

THIS MATTER is before the Court on the Plaintiff's "Application for Entry of Default Against Defendant Pursuant to F.R.C.P. 55" [Doc. 8].

The Court dismissed the Plaintiff's action on July 2, 2014. [Doc. 3]. Accordingly, the Plaintiff's request for entry of default against the Defendant is frivolous and must be denied.

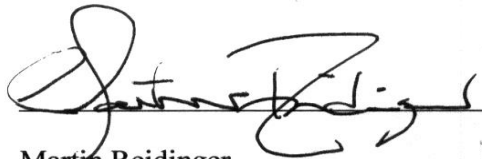
Litigants do not have an absolute and unconditional right of access to the courts in order to prosecute frivolous, successive, abusive or vexatious actions. See Demos v. Keating, 33 F. App'x 918 (10th Cir. 2002); Tinker v. Hanks, 255 F.3d 444, 445 (7th Cir.), cert. denied, 535 U.S. 956 (2002); In re Vincent, 105 F.3d 943 (4th Cir. 1997). District courts have inherent power to control the judicial process and to redress conduct which abuses that

process. Silvestri v. General Motors Corp., 271 F.3d 583, 590 (4th Cir. 2001).

The Plaintiff is hereby informed that future frivolous filings will result in the imposition of a pre-filing review system. Cromer v. Kraft Foods N. Am., Inc., 390 F.3d 812 (4th Cir. 2004); Vestal v. Clinton, 106 F.3d 553 (4th Cir. 1997). If such a system is placed in effect, pleadings presented to the Court which are not made in good faith and which do not contain substance will be summarily dismissed as frivolous. Foley v. Fix, 106 F.3d 556 (4th Cir. 1997); In re Joseph Marion Head, 19 F.3d 1429 (4th Cir.), cert. denied, 513 U.S. 999 (1994). Thereafter, if such writings persist, the pre-filing system may be modified to include an injunction from filings. In re Martin-Trigona, 737 F.2d 1254 (2^d Cir. 1984).

IT IS, THEREFORE, ORDERED that the Plaintiff's Application [Doc. 8] is **DENIED**.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

